

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Court File No. 15-mj-399 (JSM)-1

Plaintiff,

v.

**MOTION FOR RETURN OF PROPERTY
PURSUANT TO RULE 41 (g)**

Search Warrant,

Defendant.

This is an action to recover property that was seized by law enforcement following the execution of a search warrant. The movant, Ray James (hereinafter referred to as “James”), is the owner of the property that was seized. James argues that the Government has no legitimate basis to continue to hold the property and asks the Court to order it returned to him forthwith. In support of the motion, James states as follows:

1. On May 12, 2015 law enforcement officers approached James at the Minneapolis/St. Paul airport as he was about to board a flight. James had gone through TSA security and was in the terminal, near the gate for his flight. The officers demanded permission to search James’ carry-on bag.
2. James did not consent to a search of his bag and indicated that his flight was about to leave. Law enforcement detained James, forcing him to miss his flight. The officers then seized a black Gucci bag from James and gave him a receipt to claim the property in a few days.

3. On May 15, 2015 law enforcement officers obtained a search warrant for the black Gucci bag and any cellular phones located in the bag. The officers executed the search and seized approximately \$20,000 in U.S. currency and an Alcatel One Touch cell phone.

4. James states that the officers informed James when they seized his bag that his travel companion was under investigation. However, the officers never identified any reason for why they wanted to search James' bag, why they seized the bag at the airport without a warrant, or what grounds they believe exist to hold the seized property.

5. There is no pending criminal case filed against James in either federal or Minnesota state court concerning the seized property.

6. There is no pending civil forfeiture action filed against the seized property or James in either federal or Minnesota state court, to the best of his knowledge.

7. James has suffered irreparable harm from the seizure of the property. He is now deprived of the use and benefit of a large amount of currency. James is in the business of buying and selling used vehicles. He claims that the currency was being used to purchase vehicles at auction in California for resale in Minnesota. James' business has suffered a significant set back due to the seizure of the currency.

8. James has no other adequate legal remedy to recover the seized property.

9. Attached as Exhibit A and incorporated by this reference is the Affidavit of Ray James wherein he sets forth the facts of the case and his claim. He also includes a bank statement showing that he withdrew cash from his account prior to his planned trip to California.

10. James requests the following specific relief:

- a) Return of the U.S. Currency seized on May 15, 2015;


- b) Return of the Alcatel One Touch cell phone seized on May 15, 2015;
 - c) To the extent possible, an Order directing the Government to disclose and produce prior to a hearing all information relied on by law enforcement to obtain the search warrant, including the warrant application and affidavits.
11. James requests a hearing to argue the motion.

Respectfully submitted,

BEITO & LENGELING, P.A.

Date: 6-8-15

By


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